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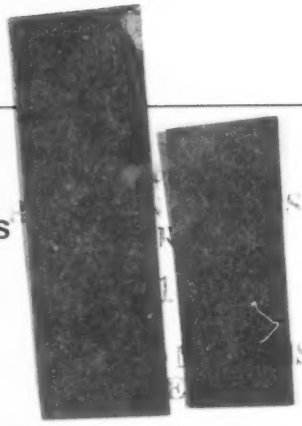

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CONGO

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I. GEOGRAPHICAL, DEMOGRAPHIC AND ECONOMIC DATA

A. General characteristics

1. Congo is a central African State bounded to the north by the Central African Republic, to the north-west by Cameroon, to the south-west by the Atlantic Ocean, to the west by Gabon, to the east by Zaire and to the south by Angola (Cabinda). Its area is 342,000 km^2 and its estimated population 2,500,000, giving a density of 5.4 to the km^2. The population has various ethnic and religious characteristics.

Ethnic groups

2. The Congolese population comprises nine major groups, subdivided into several sub-groups forming about 75 tribes. The main groups are the Fang, M'bochi, Oubangie, Kota, Téké, Makaa, N'zabi, Sangha and Kongo. The various ethnic groups have their own languages or dialects.

Religions

3. Several religions exist in the Congo, the major ones being Christianity, animism and Islam. Pluralist democracy has brought a proliferation of sects which more or less identify with the above-mentioned religions.

B. Demographic characteristics

4. The last official census in 1984, estimated the Congo's population at 2,250,000, broken down by age group as follows:

Under 15:	44.7 per cent
15-59:	49.6 per cent
60 or more:	5.7 per cent

As in many other African countries, the Congolese population is relatively young. The 0 to 20-age group represents more than 50 per cent of the total population, whereas the 54 and over group represents only 10 per cent. The age pyramid is shaped like an umbrella.

Breakdown by sex

5. The male population accounts for almost 45 per cent of the total, and urban dwellers 55 per cent. This phenomenon is explained by the heavy rural exodus in recent years prompted by the deterioration of rural living conditions. The rural development policy embarked on by the Government through decentralization could reverse this trend in coming years.

Breakdown by region

6. There is a clear pattern here. The southern regions (Bouenza, Lekoumou, Kouilou, Niari and Pool) alone account for almost 70 per cent of the population and the northern regions (the plateaus, Cuvette, Sangha and Likouala) account for the rest.

Population growth

7. The Congolese population is growing rapidly, increasing from 1,319,790 in the 1974 census to 1,909,248 according to the 1994 census and expected to reach 2,685,387 by 1995. The population will thus have doubled in 20 years. From 1974 to 1984, the annual growth rate was 3.47 per cent.

8. The birth rate is 42.2 per thousand, compared with a death rate of 14.63 per thousand. The infant death rate is 123.8 per thousand and life expectancy is 51 years. These statistics reveal the disparity between death and birth rates. This is explained by the fact that the rural population has no access to drinking water, primary health care or elementary hygiene. Coverage in terms of both health workers and medical care is inadequate.

School enrolment

9. This is the area in which successive Congolese Governments have made real efforts: school enrolment is approaching 100 per cent, despite the fact that infrastructures have not really been modernized.

Percentage of household headed by women

10. The number of households headed by women is estimated at 25 per cent.

C. Socio-economic indicators

11. Data taken from publications of the Ministry for Planning and the National Centre for Statistics and Economic Studies provide the following socio-economic indicators: in 1992, the gross national product (GNP) per capita was $980; the gross domestic product (GDP) has not changed significantly, although it rose steadily from 410.2 billion in 1990 to 416 billion in 1991 and 427.1 billion in 1992. The inflation rates are as follows: 1985: 6.1 per cent; 1986: 2.4 per cent; 1987: 2.5 per cent; and 1988: 2.7 per cent.

External debt

12. Total national debt is estimated at 2.44 billion dollars in 1985 and 3.7 billion in 1987, equal to 1.5 times GDP. Foreign debt servicing is approximately equal to the value of exports and is one of the largest per capita figures.

13. Gross rates were 8.8 per cent in 1985, 10 per cent in 1986 and 8.2 per cent in 1987. Budgetary revenues stood at CFAF 335 billion in 1985, including 224 billion in oil revenues. In 1986, these figures were 118 billion and 115 billion respectively, and in 1987, 159 billion and 50 billion. The combined effects of the fall in the barrel price of oil and the value of the dollar brought the Congolese economy to a standstill, and exacerbated the foreign debt problem.

Rate of unemployment

14. Like all other developing countries, the Congo has been badly hit by the crisis. Unemployment is high and the Government's economic and financial

difficulties make it impossible to achieve full employment. The new policy of economic liberalism is encouraging free enterprise as the growth sector of the economy, capable of generating jobs. It is difficult to determine the number of unemployed accurately. The National Employment and Labour Office is working on this. However, unemployment can be assumed to exceed 50 per cent in the 20 to 35 age group. The Government is now embarking on an extensive programme of job training for young people, which could lead to the recruitment of young unemployed.

II. INSTITUTIONAL FRAMEWORK

15. The Congo gained independence on 15 August 1960. The multi-party period lasted from November 1958 to August 1963 under the provisional Constitution of 28 November 1958 and the Constitutions of 20 February 1959 and 2 March 1961. These Constitutions provide for a multipartite constitutional system consisting of two main political parties, one in power and the other in opposition, although they ultimately formed a coalition Government. This period was the First Republic. In August 1963, a trade-union revolt forced the President of the Republic to resign. This was followed by a referendum on the adoption of a new Constitution to govern the Second Republic. The new Constitution proclaimed the fundamental principles of the Republic, including the election of the President for five years by a small electoral college, a Prime Minister and a unicameral Parliament elected by universal suffrage.

16. The Third Republic was established in 1968 following an "armed insurrection". The Constitution was suspended and replaced by a Fundamental Act. During this single-party period, which began in 1964, five Constitutions were adopted, in 1964, 1969, 1973, 1979 and 1989, together with two Fundamental Acts, in 1969 and 1977 under the Party's Military Committee. A characteristic of all these Constitutions was the emergence of a new power, the single Party, as the keystone of the constitutional edifice which governed every aspect of national, political and economic life. With the advent of perestroika and the changes in the eastern-bloc countries, the African countries demanded multi-party democracy. All over Africa protest movements were born with civil society, the trade unions and associations as their main driving force culminating in the convening of the National Sovereign Conference (CNS) in Brazzaville in May 1991. The Conference adopted a Fundamental Act on the organization of institutions during the agreed 12-month transition period.

Organs

17. These are the Executive consisting of the President and the Government; the Supreme Council of the Republic (CSR); a transitional Parliament and the Judiciary.

The President

18. The Presidency is retained but has been relieved of some of the powers it exercised under previous constitutions. The President no longer presides over the Council of Ministers. He represents the State and embodies the nation; he is the Head of State (art. 35 of the Fundamental Act).

The Prime Minister

19. The Executive is represented mainly by the Prime Minister. Although traditionally appointed by the President of the Republic, he is now designated by the National Sovereign Conference which accords him extensive powers previously vested in the President. He is the Head of Government, appoints senior civilian and military officials, is supreme commander of the armed forces, appoints and dismisses ministers and presides over the Council of Ministers.

The Judiciary

20. Under Title VIII, judicial power is exercised by the national courts. The Judiciary is independent of the Executive and Legislature and is the guarantor of the fundamental rights and freedoms of the individual.

21. After a 14-month transition period, the Congolese people voted for a new Constitution, which was widely publicized and adopted on 15 March 1992 by universal suffrage. It establishes a semi-presidential system, proclaims fundamental principles, defines the rights and duties of individuals and establishes the form of government, based on the principle of separation of powers.

22. In its preamble, the Constitution denounces intolerance and political violence, the coup d'état as the only means of acceding to power, which obliterates all hope of a truly democratic system, and recommends intercommunal dialogue as the only way to unity and development in the newly-restored peace. Conscious of international commitments, it embodies a number of principles proclaimed and guaranteed by the Charter of the United Nations, the Universal Declaration of Human Rights of 1948, the African Charter on Human and Peoples' Rights of 1981, and all ratified international human rights instruments.

23. The Charter of National Unity and the Charter of Rights and Freedoms were adopted by the National Sovereign Conference on 29 May 1991.

24. The 1992 Constitution establishes the institutions to govern the Republic for a five-year period. The organs are as follows:

The President of the Republic

25. The President of the Republic is elected for five years by direct universal suffrage and may be re-elected for one further term (art. 68); he ensures the continuity of the State and is the guarantor of national unity, territorial integrity and observance of international treaties and agreements. He presides over the Council of Ministers (art. 76), appoints senior civilian and military officials (art. 77) and appoints and dismisses the Prime Minister. He is the supreme commander of the armed forces and presides over the Supreme Councils and Committees of National Defence (art. 84). He also exercises the right of pardon.

The Government and Prime Minister

26. Under Title 10 of the Constitution, the Government formulates and implements national policy and is responsible for the administrative and law-enforcement agencies. It is accountable to the President and the National Assembly under the conditions and according to the procedures laid down in articles 75 and 122. It is on this basis that the Prime Minister is the Head of Government, directs government action, ensures application of legislation, exercises regulatory power and makes appointments to civilian and military posts.

Parliament

27. Under Title 11 of the Constitution, Parliament comprises two chambers, the National Assembly and the Senate. National Assembly deputies are elected by direct universal suffrage and senators by indirect universal suffrage of district, regional, and communal councils. Deputies serve for a five-year term and senators for six years, with one third of the Senate being renewable every two years.

28. Parliament holds three regular sessions a year (art. 97), and may hold special sessions at the request of the President of the Republic, the Prime Minister or one third of its members.

Under article 129 of the Constitution, the Senate elects (art. 102) the members of the Supreme Council of the Judiciary.

The judiciary

29. Under Title 9 of the Constitution, judicial power is exercised by the Supreme Court and other national courts established by law (art. 129, para. 1). It is independent of the Executive and the Legislature. It is made up of judges elected by Parliament in accordance with the conditions stipulated by law. Members of the Supreme Court are irremovable (art. 124).

30. Just as the Legislature and the Executive may not rule on disputes or change a judicial decision, so the Judiciary may not encroach on the functions of either the Executive or the Legislature (art. 132). There is also a High Court of Justice elected in equal numbers by Parliament and the Supreme Court from among their own members. The President of the High Court of Justice is elected by his peers (art. 128); the function of the High Court is to try the President of the Republic, members of the Government, members of Parliament, members of the Supreme Court, members of the Supreme Council of the Judiciary and presiding judges for crimes or offences committed in the performance of their duties.

31. Title X of the Constitution establishes a Constitutional Council consisting of nine members, as follows:

two judges elected by the Supreme Council of the Judiciary,

two university lecturers in law elected by their peers,

two lawyers elected by their peers,

three members, one each appointed by the President of the Republic, the President of the Assembly and the President of the Senate. The President of the Constitutional Council is elected by his peers.

The functions of a member of the Constitutional Council are incompatible with those of a minister or member of Parliament (art. 141). The Council ensures the constitutionality of laws, treaties and international agreements. It oversees the election of the President of the Republic, considers complaints and announces the results of parliamentary and local elections (art. 143).

32. Any individual may apply to the Constitutional Court regarding the constitutionality of legislation either directly or through special unconstitutionality proceedings before a court in a matter of concern to him. In the event of unconstitutionality proceedings, the court defers a ruling and allows the plaintiff one month from the date of notification of the decision (art. 144). Decisions of the Constitutional Council are not open to appeal. They are binding on the Government authorities, the Judiciary and individuals.

III. GENERAL LEGAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED

33. In the Republic of the Congo, the human rights authorities are the courts of minor jurisdiction, the courts of major jurisdiction, the Court of Appeal and the Supreme Court and, at the administrative level, the Ministry of Communication and Democratic Culture, the Ministry of Justice, the Ministry of the Interior and Security and the Ministry of Labour.

34. Any citizen may institute an administrative or judicial action when he believes his rights to have been violated (art. 18 of the Constitution). At administrative level, such actions involve reinstatement in a profession or job. At judicial level, the courts may award compensation commensurate with the injury suffered.

35. The rights proclaimed in the various international human rights instruments are protected and guaranteed by the Constitution and by the Charter of National Unity adopted at the National Sovereign Conference. Exceptions are, however, provided for in specific cases: searches, privacy of correspondence and telecommunications (Title II of the Constitution on fundamental rights and freedoms).

36. Human rights provisions are incorporated in domestic law in three ways:

(a) The transformation method, whereby the provisions of the Covenants are incorporated in legislation without amendment;

(b) The legislative method, which involves adopting legislative measures specifically to give effect to the rights recognized in the various human rights conventions; and

(c) The administrative method, whereby the Executive is required to ensure observance of human rights.

37. In the Congo, international law takes precedence over domestic law, so that any citizen believing one of his rights to have been violated may invoke

the relevant international instrument before domestic courts. This is clear evidence that the provisions of the various human rights instruments are guaranteed and directly applicable.

38. Non-governmental organizations monitoring observance of human rights include the Comité national des droits de l'homme (CONADHO), the Ligue des droits de l'homme, the Comité des femmes pour la paix and the Federation des femmes juristes.

IV. INFORMATION AND PUBLICITY

39. The importance attached by the Congo's political decision-makers to human rights led to the establishment in June 1993 of a Ministry to be responsible exclusively for questions of human rights and democratic culture. The Ministry set about publicizing the principles contained in the basic human rights instruments - the Charter of Human Rights, the Constitution of the Congo and the Charter of National Unity, among others.

40. To promote a better understanding of the Constitution, it has been translated into the Congo's two languages of instruction (Lingala and Kituba) and a cartoon-strip version is now available. In the area of civic education, an instruction manual is now being prepared for incorporation into school curriculums. Public awareness of human rights is promoted by radio and television and the press and through posters and banners. A radio programme entitled "AGORA", produced by the Ministry for Human Rights and Democratic Culture, is broadcast three times weekly.

41. An Inter-Ministerial Committee has been set up to prepare Congo's reports under the various international instruments which it has ratified. Congolese experts participate in various training seminars held by the United Nations and regional or national human rights organizations. There are plans to set up a framework for consulting human rights bodies so that Congo's reports can be publicly debated before publication.